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**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**JOE HAND PROMOTIONS, INC.
407 E. Pennsylvania Blvd
Feasterville, Pennsylvania 19053**

Case No.: 2:22-cv-2593

Plaintiff,

vs.

**JEFFREY MATHEWS
Individually and as the alter ego
of ROCKOS BAR AND GRILL
232 Jefferson Street
Tiltonsville Ohio 43963**

COMPLAINT

And

**ROCKOS BAR AND GRILL LLC,
Individually and as the alter ego of ROCKOS
BAR AND GRILL
58800 Glens Run Rd
Martins Ferry Ohio 43935**

Defendants.

PLAINTIFF ALLEGES:

JURISDICTION

1. Jurisdiction is founded on the existence of a question arising under particular statutes. This action is brought pursuant to several federal statutes, including the Communications Act of 1934, as amended, Title 47 U.S.C. 605, *et seq.*, and The Cable & Television Consumer Protection and Competition Act of 1992, as amended, Title 47 U.S. Section 553, *et seq.*

1 6. Plaintiff, Joe Hand Promotions Inc is, and at all relevant times mentioned was, a
2 Pennsylvania corporation with its principal place of business located at 407 E.
3 Pennsylvania Blvd, Feasterville, PA 19053.

4 7. Defendant JEFFREY MATHEWS is or at the relevant times was the principal
5 owners, managing members and operators of Defendant, ROCKOS BAR AND GRILL
6 LLC and through that company operated the commercial establishment doing business as
7 Rocko's Bar and Grill, which is or was operating at 58800 Glens Run Rd Martins Ferry
8 Ohio 43935.

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10 8. Defendant JEFFREY MATHEWS is also the individual specifically identified on
11 the Ohio Department of Liquor License issued for Rocko's Bar and Grill, as Member.

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13 9. Plaintiff is informed and believes, and alleges thereon that on August 17, 2019 (the
14 night of the *Program* at issue herein, as more specifically defined in paragraph 16),
15 Defendants JEFFREY MATHEWS had the right and ability to supervise the activities of
16 Rocko's Bar and Grill, which included the unlawful interception of Plaintiff's *Program*.

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18 10. Plaintiff is informed and believes, and alleges thereon that on August 17, 2019 (the
19 night of the *Program* at issue herein, as more specifically defined in paragraph 16),
20 Defendant JEFFREY MATHEWS as the individual specifically identified on the liquor
21 license for ROCKOS BAR AND GRILL, and Defendant ROCKOS BAR AND GRILL
22 LLC as the corporate operator of ROCKOS BAR AND GRILL all had the obligation to
23 supervise the activities of Rocko's Bar and Grill, which included the unlawful interception
24 of Plaintiff's *Program*, and, among other responsibilities, had the obligation to ensure that
25 the liquor license was not used in violation of law.

26 11. Plaintiff is informed and believes, and alleges thereon that on August 17, 2019 (the
27 night of the *Program* at issue herein, as more specifically defined in paragraph 16),
28 Defendants JEFFREY MATHEWS and/or ROCKOS BAR AND GRILL LLC specifically

1 directed the employees of Rocko's Bar and Grill to unlawfully intercept and broadcast
2 Plaintiff's *Program* at Rocko's Bar and Grill or that the actions of the employees of
3 Rocko's Bar and Grill are directly imputable to Defendant JEFFREY MATHEWS and
4 ROCKOS BAR AND GRILL LLC by virtue of their acknowledged responsibility for the
5 actions of Rocko's Bar and Grill.

6 12. Plaintiff is informed and believes, and alleges thereon that on August 17, 2019,
7 Defendant JEFFREY MATHEWS had an obvious and direct financial interest in the
8 activities of Rocko's Bar and Grill, which included the unlawful interception of Plaintiff's
9 *Program*.

10
11 13. Plaintiff is informed and believes, and alleges thereon that the unlawful broadcast of
12 Plaintiff's *Program*, as supervised and/or authorized by Defendants JEFFREY
13 MATHEWS and ROCKOS BAR AND GRILL LLC resulted in increased profits for
14 Rocko's Bar and Grill.

15
16 14. Plaintiff is informed and believed, and alleges thereon that Defendant JEFFREY
17 MATHEWS as the individual with dominion, control, oversight and management of the
18 commercial establishment doing business as Rocko's Bar and Grill.

19 **COUNT I**

20 **(Violation of Title 47 U.S.C. Section 605)**

21
22 15. Plaintiff Joe Hand Promotions Inc, hereby incorporates by reference all of the
23 allegations contained in paragraphs 1-14, inclusive, as though set forth herein at length.

24 16. Pursuant to contract, Plaintiff, was granted the exclusive nationwide commercial
25 distribution (closed-circuit) rights to UFC 241 Cormier v Miocic Fight Program, that was
26 telecast via pay-per view nationwide on Saturday, August 17, 2019 (this included all
27 under-card bouts and fight commentary encompassed in the television broadcast of the
28 event, hereinafter referred to as the "*Program*").

1
2 17. Pursuant to contract, Plaintiff, entered into subsequent sublicensing agreements
3 with various commercial entities throughout North America, including entities within the
4 State of Ohio by which it granted these entities limited sublicensing rights, specifically the
5 rights to publicly exhibit the *Program* within their respective commercial establishments in
6 the hospitality industry (i.e., hotels, racetracks, casinos, bars, taverns, restaurants, social
7 clubs, etc.).

8 18. As a commercial distributor and licensor of sporting events, including the *Program*,
9 Plaintiff, expended substantial monies marketing, advertising, promoting, administering,
10 and transmitting the *Program* to its customers, the aforementioned commercial entities.
11

12
13 19. With full knowledge that the *Program* was not to be intercepted, received,
14 published, divulged, displayed, and/or exhibited by commercial entities unauthorized to do
15 so, each and every one of the above named Defendants, either through direct action or
16 through actions of employees or agents directly imputable to Defendants (as outlined in
17 paragraphs 7-14 above), did unlawfully intercept, receive, publish, divulge, display, and/or
18 exhibit the *Program* at the time of its transmission at their commercial establishment in
19 Martins Ferry, Ohio.

20 20. Said unauthorized interception, reception, publication, exhibition, divulgence,
21 display, and/or exhibition by each of the Defendants was done willfully and for purposes
22 of direct and/or indirect commercial advantage and/or private financial gain.
23

24 21. Title 47 U.S.C. Section 605, *et seq.*, prohibits the unauthorized publication or use of
25 communications (such as the transmission of the *Program* for which Plaintiff, had the
26 distribution rights thereto).
27
28

1 22. By reason of the aforesaid mentioned conduct, the aforementioned Defendants, and
2 each of them, violated Title 47 U.S.C. Section 605, *et seq.*

3 23. By reason of the Defendants' violation of Title 47 U.S.C. Section 605, *et seq.*,
4 Plaintiff, has the private right of action pursuant to Title 47 U.S.C. Section 605.
5

6 24. As the result of the aforementioned Defendants' violation of Title 47 U.S.C. Section
7 605, and pursuant to said Section 605, Plaintiff, is entitled to the following from each
8 Defendant:
9

- 10 (a) Statutory damages for each violation in an amount up to
11 \$10,000.00 pursuant to Title 47 U.S.C. § 605(e)(3)(C)(i); and also
12
13 (b) Statutory damages for each willful violation in an amount up to
14 \$100,000.00 pursuant to Title 47 U.S.C. 605(e)(3)(C)(ii), and also
15
16 (c) the recovery of full costs, including reasonable attorneys' fees,
17 pursuant to Title 47 U.S.C. Section 605(e)(3)(B)(iii).

18 **WHEREFORE, Plaintiff prays for judgment as set forth below.**
19

20 **COUNT II**

21 **(Violation of Title 47 U.S.C. Section 553)**
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23 25. Plaintiff's hereby incorporates by reference all of the allegations contained in
24 paragraphs 1-24, inclusive, as though set forth herein at length.
25

26 26. The unauthorized interceptions, reception, publication, divulgence, display, and/or
27 exhibition of the *Program* by the above named Defendants was prohibited by Title 47
28 U.S.C. Section 553, *et seq.*

1
2 27. By reason of the aforesaid mentioned conduct, the aforementioned Defendants, and
3 each of them, violated Title 47 U.S.C. Section 553, *et seq.*

4
5 28. By reason of the Defendants' violation of Title 47 U.S.C. Section 553, *et seq.*,
6 Plaintiff, has the private right of action pursuant to Title 47 U.S.C. Section 553.

7 29. As the result of the aforementioned Defendants' violation of Title 47 U.S.C. Section
8 553, Plaintiff, is entitled to the following from each Defendant:

9
10 (a) Statutory damages for each violation in an amount up to
11 \$10,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(A)(ii); and also

12 (b) Statutory damages for each willful violation in an amount up to
13 \$50,000.00 pursuant to Title 47 U.S.C. § 553(c)(3)(B); and also

14
15 (c) the recovery of full costs pursuant to Title 47 U.S.C. Section 553
16 (c)(2)(C); and also

17
18 (b) and in the discretion of this Honorable Court, reasonable attorneys'
19 fees, pursuant to Title 47 U.S.C. Section 553 (c)(2)(C).

20
21 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

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23 **COUNT III**
24 **(Copyright Violation)**

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26 30. Plaintiff's hereby incorporates by reference all of the allegations contained in
27 paragraphs 1-29, inclusive, as though set forth herein at length.
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1 31. By written agreement with the owner of the registered copyright (PA 2-066-333) of
2 the Program, Plaintiff was assigned ownership of the right to distribute 17 U.S.C. 106(3)
3 and authorize the public performance 17 U.S.C. 106 (4) of the Program.

4 32. The Defendants' unauthorized distribution and public performance of the Program
5 through any means, including without limitation cable, satellite, or internet stream, was in
6 violation of 17 U.S.C. 106 and 501.

7
8 33. Defendants' acts of infringement were not only willful, intentional and purposeful,
9 but were also in complete disregard and indifference to Plaintiff's rights and Plaintiff is
10 entitled to judgment in its favor and against each Defendant for statutory damages, plus
11 interest, costs and attorney fees pursuant to 17 U.S.C. 505.

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13 **WHEREFORE, Plaintiff prays for judgment as set forth below.**

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15 **As to the First Count:**

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17 1. For statutory and enhanced damages in the amount of \$110,000.00
18 against the Defendants, and
19 2. For reasonable attorneys' fees as mandated by statute, and
20 3. For all costs of suit, including but not limited to filing fees, service of
21 process fees, investigative costs, and
22 4. For such other and further relief as this Honorable Court may deem just
23 and proper;

24 **As to the Second Count:**

- 25
26 1. For statutory and enhanced damages in the amount of \$60,000.00 against
27 the Defendants, and;
28 2. For reasonable attorneys' fees as may be awarded in the Court's
discretion pursuant to statute, and;

3. For all costs of suit, including but not limited to filing fees, service of process fees, investigative costs, and;
4. For such other and further relief as this Honorable Court may deem just and proper.

As to the Third Count:

1. For statutory damages in the discretion of the Court up to a maximum amount of \$150,000.00 pursuant to 17 U.S.C. 504 (c) for a willful violation of 17 U.S.C. 501 and;
2. For reasonable attorneys' fees as may be awarded in the Court's discretion pursuant to 17 U.S.C. 505, and;
4. For all costs of suit, including but not limited to filing fees, service of process fee, investigative costs, and;
5. For such other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted,

/s/ Jeffrey L. Koberg

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Joe Hand Promotions, Inc.

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